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Case No. 95-CV-0053

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FEB 15 1996

Dept. No. II

DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED

NO. _____

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

ROBERT N. CHESTER and
ANNETTA CHESTER, husband
and wife; CHARLES B. SLACK
and BARBARA V. SLACK, husband
and wife;

BARBARA V. SLACK
CLERK

S.J. THALER

Plaintiffs,

JUDGMENT

vs.

GENE EMPEY, an individual;
JANET EMPEY, an individual; and
LAKERIDGE ESTATES, INC., a
corporation; DOUGLAS BELL, an
individual; CAROLYN MCLEOD, an
individual; All Persons Unknown
Claiming any Right, Title,
Estate, Lien, or Interest in the
Real Property Described in this
Complaint Adverse to Plaintiffs'
Ownership or Any Cloud Upon
Plaintiffs' Title Thereto; and
DOES I through CCC,

Defendants.

AND RELATED COUNTER ACTION.

Pursuant to the stipulation of plaintiffs/counterdefendants,
ROBERT N. CHESTER and ANNETTA CHESTER and CHARLES B. SLACK and
BARBARA V. SLACK, and defendants/counterclaimants GENE EMPEY, JANET
EMPEY, DOUGLAS BELL AND CAROLYN MCLEOD, and pursuant to the
Findings of Fact and Conclusions of Law made and entered herein,

1 and upon a review of all pleadings in the within file, and the
2 Court being fully advised in the premises:

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

4 1. Plaintiffs ROBERT and ANNETTA CHESTER (herein "CHESTER")
5 are the owners of Lot 7 of Lakeridge Estates No. 1 according to the
6 map thereof recorded on May 7, 1957 in Book 1 of Maps for Douglas
7 County, Nevada and as further shown on the Amended Map of Lakeridge
8 Estates No. 1, filed in the office of the County Recorder of
9 Douglas County, Nevada, on February 23, 1959, as Document No.
10 14083, and as said lot may have been amended by subsequent lot line
11 adjustments (herein "Lot 7").

12 2. That counterclaimants GENE EMPEY, JANET EMPEY, DOUGLAS
13 BELL AND CAROLYN MCLEOD are, pursuant to N.R.S. Chapter 78, and by
14 virtue of their being the successors in interest to Lakeridge
15 Estates, Inc., a dissolved corporation, and subject to the rights
16 of plaintiffs CHESTER hereinafter set forth, owners in fee simple
17 of certain real property located in Douglas County, State of
18 Nevada, and more particularly described as follows:

19 *"Beginning at the Southwest corner of Lot 7; thence*
20 *Southwesterly 60 feet, more or less, to a point on the*
21 *approximate Low Water Line at elevation 6,223 feet, Lake*
22 *Tahoe Datum; thence Northerly along said Low Water Line*
23 *to a point which bears Westerly of the Northwest corner*
24 *of Lot 7; thence Easterly to the Northwest corner of Lot*
25 *7; thence Southerly to the point of Beginning. Said*
26 *parcel is shown on Exhibit A as Parcel 7A."*

27 3. That plaintiffs CHESTER are the owners of a perpetual and
28 exclusive prescriptive easement across the property described in
Paragraph 2 for beach, littoral, recreational, residential and
other uses including but not limited to the following specific
uses:

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1 A. Sunbathing, fishing, swimming, boating, docking and
all beach and recreational uses;

2 B. Piers, boathouses, jetties, buoys, boat ramps, boat
3 lifts and any and all "littoral" uses as defined in Nevada
4 Revised Statutes [including but not limited to Chapters 321
5 and 322], common law or otherwise;

6 C. Residential structures including but not limited to
7 walkways, driveways, accesses, dwellings, fences, patios,
8 decks;

9 D. Outbuildings, storage sheds, utilities and utility
10 structures.

11 4. Plaintiffs CHARLES and BARBARA SLACK (herein "SLACK") are
12 the owners of Lot 9 of Lakeridge Estates No. 1 according to the map
13 thereof recorded on May 7, 1957 in Book 1 of Maps for Douglas
14 County, Nevada and as further shown on the Amended map of LAKERIDGE
15 ESTATES NO. 1, filed in the office of the County Recorder of
16 Douglas County, Nevada, on February 23, 1959, as Document No. 14083
17 (herein "Lot 9").

18 5. That counterclaimants GENE EMPEY, JANET EMPEY, DOUGLAS
19 BELL and CAROLYN MCLEOD are, pursuant to N.R.S. Chapter 78, and by
20 virtue of their being the successors in interest to lakeridge
21 Estates, Inc., a dissolved corporation, and subject to the rights
22 of plaintiffs SLACK hereinafter set forth, owners in fee simple of
23 certain real property located in Douglas County, State of Nevada,
24 and more particularly described as follows:

25 *"Beginning at the Southwest corner of Lot 9; thence*
26 *Northerly to a point on the Low Water Line at elevation*
27 *6,223 feet, Lake Tahoe Datum; thence Westerly and*
28 *Northerly along the Low Water Line to a point which bears*
Westerly of the Northwest corner of Lot 9; thence
Easterly to the Northwest corner of Lot 9; thence

1 Southerly to the point of Beginning. Said parcel is
2 shown on Exhibit B as Parcel 9A."

3 6. That plaintiffs SLACK are the owners of a perpetual and
4 exclusive prescriptive easement across the property described in
5 Paragraph 5 for beach, littoral, recreational, residential and
6 other uses including but not limited to the following specific
7 uses:

8 A. Sunbathing, fishing, swimming, boating, docking and
9 all beach and recreational uses;

10 B. Piers, boathouses, jetties, buoys, boat ramps, boat
11 lifts and any and all "littoral" uses as defined in Nevada
12 Revised Statutes [including but not limited to Chapters 321
13 and 322], common law or otherwise;

14 C. Residential structures including but not limited to
15 walkways, driveways, accesses, dwellings, fences, patios,
16 decks;

17 D. Outbuildings, storage sheds, utilities and utility
18 structures.

19 7. It is adjudged that the aforesaid prescriptive easements
20 in favor, respectively, of plaintiffs CHESTER and SLACK shall be
21 exclusive and that neither the defendants/counterclaimants or their
22 successors and assigns or their licensees or grantees may use the
23 areas the subject of said prescriptive easements, in any manner,
24 which will interfere or is likely to interfere with such easements.
25 It is further adjudged that said prescriptive easements shall run
26 with the land and shall be binding upon the successors and assigns
27 of defendants/counterclaimants [as owners of the respective
28 servient tenements] and shall inure to the benefit of the succes-
sors and assigns of the plaintiffs CHESTER and SLACK as owners of

their respective dominant tenements [Lots 7 and 9, respectively].

8. Except for the judgment herein set forth, all claims and counterclaims which have been brought and which might have been brought by or against the parties is dismissed with prejudice with each party to bear its own attorneys' fees and costs provided, however, that the deposit of the first day's jury fees posted by counsel for defendants may be returned to such counsel.

DATED this 15 day of February, 1996.

David R. Gamble
DISTRICT COURT JUDGE
HONORABLE DAVID R. GAMBLE

Submitted by:
Law offices of
George W. Echan
P.O. Box 706
218 Elks Point Rd. #207
Zephyr Cove, NV 89448

By: *George W. Echan*
GEORGE W. ECHAN, Esq.
Attorney for Plaintiffs

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SOUMBENIOTIS & RUSSELL, LTD.
402 North Division Street
P.O. Box 646
Carson City, NV 89702

By: *Mike Pavlakis*
MIKE PAVLAKIS, Esq.
Attorneys for Defendants

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

SEAL

Breed 2/15/96
of the State of Nevada, in and for the County of Douglas,

By: *J. Thaler* Deputy

Beginning at the Southwest corner of "Lot 7";
thence Southwesterly 60 feet, more or less, to a point on
the approximate Low Water Line at elevation 6,223 feet, Lake
Tahoe Datum;
thence Northerly along said Low Water Line to a point which
bears Westerly of the Northwest corner of "Lot 7";
thence Easterly to the Northwest corner of "Lot 7";
thence Southerly to the point of Beginning. Said parcel is
shown on Exhibit A as Parcel 7A.

COPY

EXHIBIT "A" TO JUDGMENT

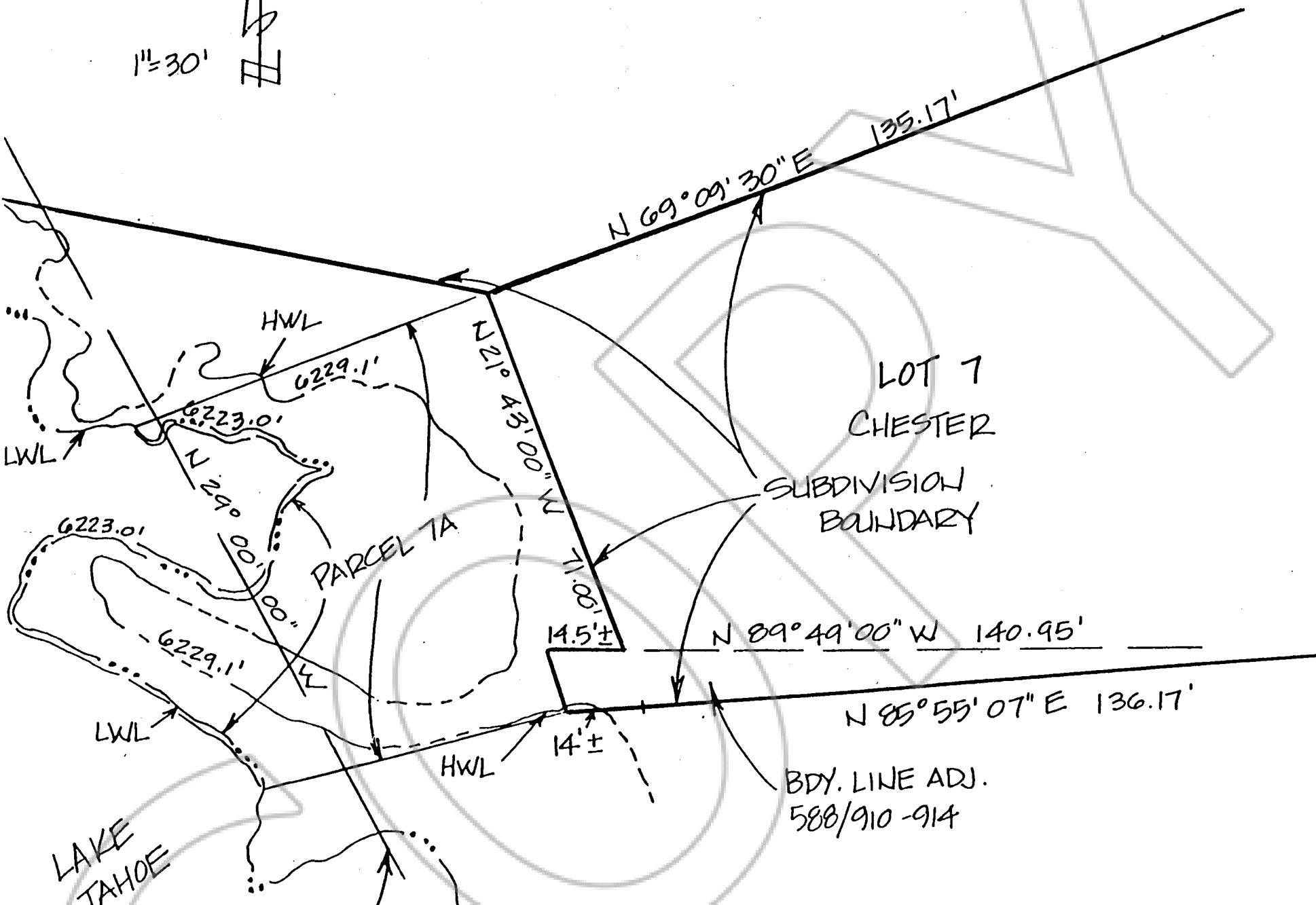
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EXHIBIT A

LOT 8

1"=30'

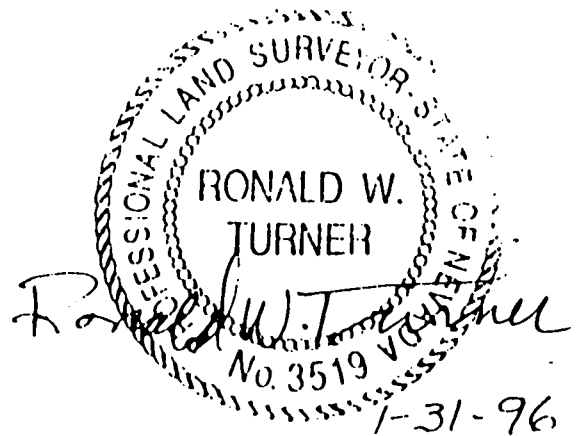


APPROX. MEANDER LINE OF LAKE TAHOE

LEGEND:

LWL LOW WATER LINE, ELEV. 6223.0', LAKE TAHOE DATUM

HWL HIGH WATER LINE, ELEV. 6229.1', LAKE TAHOE DATUM



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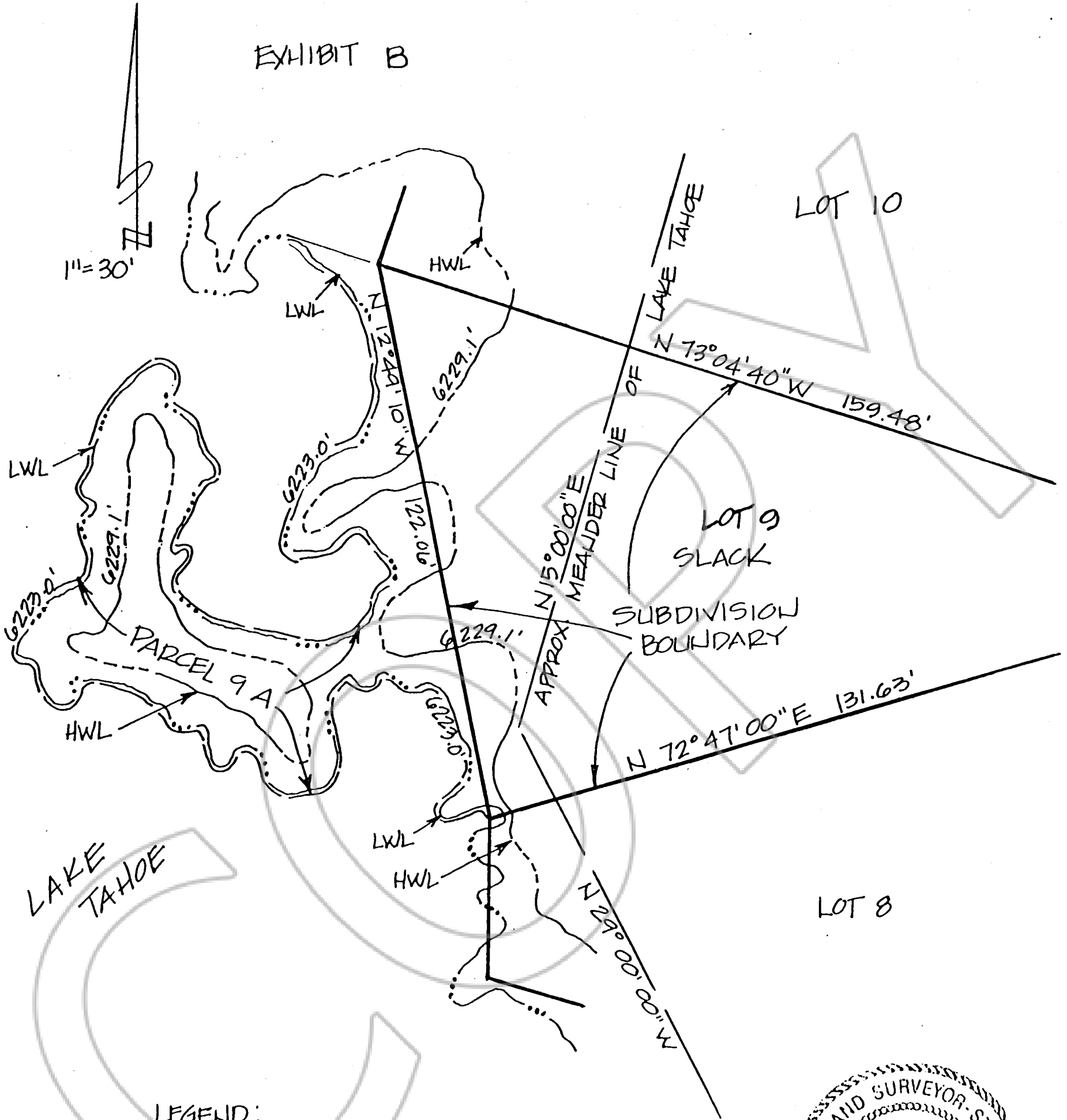
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Beginning at the Southwest corner of "Lot 9";
thence Northerly to a point on the Low Water Line at
elevation 6223 feet, Lake Tahoe Datum;
thence Westerly and Northerly along the Low Water Line to a
point which bears Westerly of the Northwest corner of "Lot
9";
thence Easterly to the Northwest corner of "Lot 9";
thence Southerly to the Point of Beginning. Said parcel is
shown on Exhibit B as Parcel 9A.

COPY

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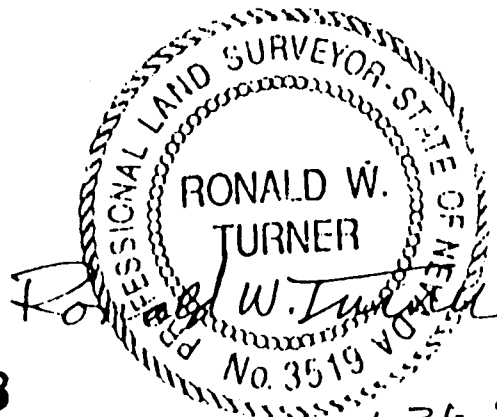
EXHIBIT B



LEGEND:

LWL LOW WATER LINE, ELEV. 6223.0',
LAKE TAHOE DATUM

HWL HIGH WATER LINE, ELEV. 6229.1',
LAKE TAHOE DATUM



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1-31-96

COPY

REQUESTED BY
STEWART TITLE of DOUGLAS COUNTY
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

'96 FEB 16 P3:20

LINDA SLATER
RECORDER
\$16⁰⁰ PAID K² DEPUTY

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